RECENT CASES

ATTEMPT TO COMMIT CRIME—HOW NEAR CONSUMMATION ACT MUST BE, TO BE INDICTABLE.—THE KING V. HARRY ROBINSON, 2 K. B. 342, 84 L. J. K. B. 1149.—Appellant insured his stock of jewelry against burglary, then rifled his own safe and had himself bound to a chair, to present the appearance of having been robbed. He then set up an outcry, and told the police sergeant, who came in response, that he had been knocked on the head by some intruder. On investigation the jewelry was found and appellant confessed to having devised the fraud in order to obtain the insurance money. Appellant was indicted and convicted of attempting to obtain money under false pretenses. The conviction was quashed in the Court of Criminal Appeal. *Held,* that since there must be some act beyond mere preparation to constitute attempt, it is not sufficient to show that the accused made the false pretense to a third person with the expectation that the latter would report it to the person intended to be defrauded.

Bishop defines criminal attempt as "the intent to do a particular criminal thing, combined with an act which falls short of the thing intended." 1 Bish. Crim. Law, sec. 728. Many English and American courts, finding intent in the act, hold that no effort is an indictable attempt, unless it has gone so far that, if not frustrated by extraneous circumstances, it would have resulted in full consummation of the actual crime. *Reg. v. Collins,* L. and C. 471, *Reg. v. Eagleton,* 24 L. J. M. C. 158; *State v. Hewett,* 158 N. C. 627; *State v. Davidson,* 172 Mo. App. 356; *People v. Grubb,* 141 Pac. (Cal. App.) 1051. Under this doctrine the principal case is correctly decided. The difficulty that presents itself is that in many cases, especially where the last physical act of the offender is simultaneous with the completion of the crime, no indictment for the attempt could with certainty be made save where indictment for the crime would also be possible. In recognition of this fact, though perhaps not avowedly, some courts prefer the more general interpretation: "an act done in *part* execution of a design to commit a crime." *State v. Harwick,* 133 La. 545; *State v. Donovan,* 90 Atl. (Del. Gen. Sess.) 220; *State v. Lampe,* 154 N. W. (Minn.) 737; *State v. Huber,* 148 Pac. (Nev.) 562.

C. B.

CONSTITUTIONAL LAW—CARRIERS—REGULATION OF JITNEYS.—CITY OF MEMPHIS V. STATE EX REL. RYALS, 179 S. W. (TENN.) 631.—*Held,* Acts 1915, c. 60, regulating jitneys as common carriers, and prohibiting their operation except upon prescribed conditions does not make an arbitrary classification, but is a valid exercise of the police power.

An interesting example of the application of well established legal doctrines to a new situation is evidenced by a line of recent decisions passing upon the validity of legislative regulations of the jitney. The state has undoubted power to protect the health and welfare of its people, and to impose restrictions having reasonable relation to that end. The